

In the Claims:

Claim 1 (Currently Amended). An apparatus for moving a medical implement through a tissue, the tissue having two tissue sections, the apparatus comprising:

a first tissue engaging surface being configured to releasably hold the medical implement and to contact a first tissue section;

a second tissue engaging surface being movable relative to said first tissue engaging surface in order to contact a second tissue section and to penetrate the medical implement into the tissue;

a magnetizable material being disposed in one of said first and second tissue engaging surfaces; and

a magnetic field generator disposed in one of said tissue engaging ~~surface~~ surfaces not containing said magnetizable material and generating a magnetic field to move said magnetizable material relative to said magnetic field generator, thereby driving the medical implement through the first tissue section and through the second tissue section at some moment by magnetic attraction alone.

Claim 2 (Original). The apparatus of claim 1, wherein the magnetic field generator is a permanent magnet.

Claim 3 (Original). The apparatus of claim 1, wherein the magnetic field generator is an electromagnet.

Claim 4 (Currently Amended). The apparatus of claim 3, wherein the strength of the magnetic field is ~~varied~~ variable to move the medical implement through the tissue.

Claim 5 (Previously presented). The apparatus of claim 1, wherein said magnetic field generator creates a magnetic field having a polarity and said polarity is reversible.

Claim 6 (Original). The apparatus of claim 3, wherein the magnetic field generator is positioned external to the tissue.

Claim 7 (Original). The apparatus of claim 3, wherein the magnetic field generator is selectably positionable to move the medical implement through the tissue.

Claims 8-15 (Cancelled).

Claim 16 (Withdrawn-Currently Amended). The apparatus assembly of claim [[1]] 54, wherein the medical implement is made of a bio-resorbable material.

Claim 17 (Withdrawn-Currently Amended). The apparatus assembly of claim [[1]] 54, further comprising a suture attached to the medical implement.

Claim 18 (Withdrawn-Currently Amended). The apparatus assembly of claim [[1]] 54, wherein the medical implement is a suture anchor.

Claim 19 (Currently Amended). The apparatus assembly of claim [[1]] 54, wherein the medical implement is a surgical needle.

Claims 20-23 (Cancelled).

Claim 24 (Previously Presented). The apparatus of claim 1, wherein the magnetic field generator is positioned external to the tissue.

Claim 25 (Cancelled).

Claim 26 (Currently Amended). A surgical instrument for delivery of an implant through tissue by magnetic attraction alone at some moment, comprising:

a body;

a carrier located on the body for removably securing at least a portion of the implant to the instrument;

a tip located at a distal end of the body and configured and dimensioned for insertion through the tissue; and

a magnetic element located on the body, wherein interaction between the magnetic element and a magnetic field external to the tissue creates magnetic attraction to drive the implant through the tissue.

Claim 27 (Original). The instrument of claim 26, wherein the magnetic element is part of the body.

Claim 28 (Original). The instrument of claim 26, wherein the magnetic element is attached to the body.

Claim 29 (Original). The instrument of claim 26, wherein the magnetic element is a permanent magnet.

Claim 30 (Original). The instrument of claim 26, wherein the magnetic element is an electromagnet.

Claim 31 (Original). The instrument of claim 26, wherein the magnetic element is movable to provide directional control of the instrument as it is driven through the tissue.

Claim 32 (Previously Presented). The apparatus according to claim 1, wherein said magnetic field generator attracts said magnetizable material and a biasing member tends to spread said first tissue engaging surface from said second tissue engaging surface.

Claim 33 (Previously Presented). The apparatus according to claim 1, wherein said magnetizable material creates a magnetic field and said magnetic field generator creates a magnetic field that repels said magnetic field of said magnetizable material.

Claim 34 (Previously presented). The apparatus according to claim 33, further comprising a biasing member tending to compress said first tissue engaging surface toward said second tissue engaging surface.

Claim 35 (Previously Presented). The apparatus according to claim 1, wherein said magnetic field generator attracts said magnetizable material to urge the medical implement into the tissue by attracting said first tissue engaging surface to said second tissue engaging surface and includes a means for mechanically urging said first tissue engaging surface toward said second tissue engaging surface.

Claim 36 (Previously presented). The apparatus according to claim 35, further comprising a biasing member tending to spread said first tissue engaging surface from said second tissue engaging surface.

Claim 37 (Previously presented). The apparatus according to claim 1, wherein said magnetizable material is a permanent magnet.

Claim 38 (Previously presented). The apparatus according to claim 1, wherein said magnetizable material includes iron.

Claim 39 (Previously presented). The apparatus according to claim 1, wherein said magnetizable material is an electromagnet.

Claim 40 (Currently Amended). An apparatus for moving a medical implement through a tissue in a patient, the tissue having two tissue sections, the apparatus comprising:

a first handle;

a second handle;

a pivot connecting said first handle to said second handle;

a first tissue engaging surface being connected to said first handle and configured to releasably hold the medical implement and to contact a first tissue section;

a second tissue engaging surface being connected to said second handle and movable relative to said first tissue engaging surface in order to contact a second tissue section and to penetrate the medical implement into the tissue;

a magnetizable material being disposed in one of said first and second tissue engaging surfaces;
and

a magnetic field generator disposed in one of said tissue engaging ~~surface~~ surfaces not containing said magnetizable material and generating a magnetic field to move said magnetizable material relative to said magnetic field generator, thereby driving the medical implement through the first tissue section and through the second tissue section at some moment by magnetic attraction alone.

Claim 41 (Previously Presented). The apparatus according to claim 40, wherein said magnetic field generator attracts said magnetizable material to penetrate the medical implement into the tissue and said first handle and said second handle spread said first tissue engaging surface and said second tissue engaging surface when actuated.

Claim 42 (Previously Presented). The apparatus according to claim 40, wherein said magnetic field generator repels said magnetizable material to spread said first tissue engaging surface and said second tissue engaging surface and said first handle and said second handle compress said first tissue engaging surface toward said second tissue engaging surface to penetrate the medical implement into the tissue when actuated.

Claim 43 (Previously Presented). The apparatus according to claim 40, wherein said magnetic field generator attracts said magnetizable material to penetrate the medical implement into the tissue; said first handle and said second handle compress said first tissue engaging surface toward said second tissue engaging surface to penetrate the medical implement into the tissue; and a biasing member connected to said first tissue engaging surface and said second tissue engaging surface spread said first tissue engaging surface relative to said second tissue engaging surface.

Claim 44 (Currently Amended). The apparatus of claim 1, wherein a location of said magnetic field is ~~altered~~ alterable to provide directional control of the medical implement as it is driven through the tissue.

Claim 45 (Currently Amended). The instrument of claim 26, wherein a location of said magnetic field is ~~altered~~ alterable to provide directional control of the medical implant as ~~it~~ the medical implant is driven through the tissue.

Claim 46 (Currently Amended). The apparatus according to claim 40, wherein a location of said magnetic field is ~~altered~~ alterable to provide directional control of the medical implement as it is driven through the tissue.

Claim 47 (Previously Presented). The apparatus of claim 1, wherein the magnetic field generator and the magnetizable material are electromagnets.

Claim 48 (Previously Presented). The apparatus of claim 47, wherein said electromagnets are selectively activatable and deactivatable to move the medical implement back and forth through the tissue.

Claim 49 (Previously Presented). The apparatus according to claim 40, wherein the magnetic field generator and the magnetizable material are electromagnets.

Claim 50 (Previously Presented). The apparatus according to claim 49, wherein said electromagnets are selectively activatable and deactivatable to move the medical implement back and forth through the tissue.

Claim 51 (New). The apparatus according to claim 26, wherein said carrier is a slot formed in said body for receiving the at least a portion of the implant.

Claim 52 (New). The apparatus according to claim 26, wherein said carrier is an eyelet formed in said body for receiving the at least a portion of the implant.

Claim 53 (New). The apparatus according to claim 26, wherein said carrier is a barb connected to said body for releasably securing the at least a portion of the implant.

Claim 54 (New). An apparatus assembly, comprising:

the apparatus according to claim 1; and

a medical implement being initially releasably connected to said first tissue engaging surface and being at least temporarily affixed to one of said magnetizable material and said magnetic field generator.

Claim 55 (New). The apparatus according to claim 1, further comprising a holder connected to said first tissue engaging surface for releasably holding the medical implement.

Claim 56 (New). An apparatus assembly, comprising:

the apparatus according to claim 40; and

a medical implement being initially releasably connected to said first tissue engaging surface and being at least temporarily affixed to one of said magnetizable material and said magnetic field generator.

Claim 57 (New). The apparatus according to claim 40, further comprising a holder connected to said first tissue engaging surface for releasably holding the medical implement.